

**TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

 Docket Number (Optional)  
 1166/71117

In re Application of Kenneth F DEFREITAS et al

Application No 10/723,486

Filed November 26, 2003

For X-RAY MAMMOGRAPHY/TOMOSYNTHESIS OF PATIENT'S BREAST

The owner\*, HOLOGIC, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No 7,245,694 as the term of said prior patent is defined in 35 U S C 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U S C 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later

expires for failure to pay a maintenance fee,  
 is held unenforceable,  
 is found invalid by a court of competent jurisdiction,  
 is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1 321,  
 has all claims canceled by a reexamination certificate,  
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 is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer

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2  The undersigned is an attorney or agent of record Reg No 25,161



Signature

May 20, 2010

Date

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 Ivan S. Kavrukov

Typed or printed name

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 (212) 278-0400  
 Telephone Number

Terminal disclaimer fee under 37 CFR 1 20(d) included

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\*Statement under 37 CFR 3 73(b) is required if terminal disclaimer is signed by the assignee (owner)  
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This collection of information is required by 37 CFR 1 321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U S C 122 and 37 CFR 1 11 and 1 14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U S Patent and Trademark Office, U S Department of Commerce P O Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.